



WESTFIELD-WASHINGTON
ADVISORY PLAN COMMISSION

March 18, 2014
1403-DP-05 & 1403-SIT-03
Exhibit 1

Petition Number: 1403-DP-05 & 1403-SIT-03

Subject Site Address: 3334 East 146th Street

Petitioner: L & Q Realty, LLC

Request: Petitioner requests Development Plan and Site Plan review for a new gas station and convenience store on 1.17 acres+/- within the Bridgewater Center at 146th Street commercial center in the Bridgewater PUD District.

Current Zoning: Bridgewater PUD

Current Land Use: Vacant

Approximate Acreage: Approximately 1.2 acres +/-

Zoning History: Ordinance 06-49 (restated) with commitments
Ordinance 13-06

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Bridgewater PUD Ordinance (Ord. 06-49)
4. Bridgewater PUD Amendment (Ord. 13-06)
5. Bridgewater PUD Commitments
6. Petitioner's Plans
7. Public Comment

Staff Reviewer: Kevin M. Todd, AICP

Procedural

Approval of the Development Plan and Site Plan Review must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance or applicable PUD, any variance associated with the site and any commitments associated with the site.



Project Overview

The proposal is for the development of an automobile service station on the middle outlot of the Bridgewater Center at 146th Street commercial shopping center (the "Proposal"). The proposal includes a 4,440 square-foot convenience store and the sale of gasoline and other petroleum products. The property is within Parcel M-4 and Area Y of the Bridgewater PUD. A single "automobile service station, including car wash, the sale of gasoline, other automotive petroleum products, and retail consumer goods" is permitted within Area Y of the Bridgewater PUD. The proposed use is permitted on this site. The Bridgewater PUD Ordinance and the associate zoning commitments from 2006 (when this property was rezoned) require certain architectural, landscaping, and site design requirements, as well as specific operational restrictions for this land use, as outlined in this report.

The petition was reviewed by the Technical Advisory Committee at its February 18, 2014 meeting.

At the public hearing on March 3, 2014, concerns were raised regarding landscaping/buffering to the south and the aesthetics of the south façade of the building. Since that meeting, the landscaping plan has been revised and is fully compliant with the applicable standards, and a faux window and brick detail have been added to the south façade of the building.

BRIDGEWATER PUD DEVELOPMENT REQUIREMENTS

Bridgewater PUD Standards (Ord. 06-49)

Section 5: The Village Marketplace (see Exhibit 6)

Exhibit 6: Local Business

1. Minimum Setback Requirements.
 - a. Front Yard Adjacent to All Districts – Required front yards adjacent to all districts shall be 60 feet. Exception: The required front yard may be reduced to the average setback of the legally established buildings or structures where an existing front yard setback is established by two or more existing, legally established buildings or structures within the same block and within three hundred (300) feet in either direction. – **COMPLIANT**
 - b. Side Yards Adjacent to Residential Districts – Required side yards adjacent to residential districts shall be 60 feet. Exception: If the required side yard abuts an alley, the required side yard setback shall be 40 feet from the right-of-way line of the alley. – **NOT APPLICABLE**
 - c. Side Yards Adjacent to Non-Residential Districts – Required side yards adjacent to non-residential districts shall be 15 feet. – **NOT APPLICABLE. There is no minimum side yard setback requirement within Area Y, per Ordinance 06-49 (Section 10. G. (6) (d) (iii)).**



- d. Rear Yards Adjacent to Non-Residential Districts – Required rear yards adjacent to non-residential districts shall be 20 feet. – **COMPLIANT**
2. Use of Required Yards.

All required yards shall be maintained as green space and landscaped with grass, trees, shrubbery or hedge, or in combination with other suitable ground cover materials in compliance with the requirements of Chapter 6. Landscape Standards of this Ordinance, and shall remain free from buildings or structures except when expressly permitted below:

 - a. Front Yard Adjacent to Non-Residential Districts - Required front yards adjacent to non-residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than ten (10) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures. – **NOT APPLICABLE**
 - b. Front Yard Adjacent to Residential Districts – Required front yards adjacent to residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than thirty (30) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures. – **COMPLIANT**
 - c. Side and Rear Yards Adjacent to Non-Residential Districts – Required side and rear yards may include interior access driveways, provided that the remainder of said required side or rear yard shall be maintained as green space free from buildings or structures. – **COMPLIANT**
 - d. Side and Rear Yards Adjacent to Residential Districts – Required side and rear yards shall be maintained as green space free from buildings or structures. – **NOT APPLICABLE**
3. Maximum Building Height
 - a. No building or structure shall be erected above a projected 1:3 proximity slope line (See WC. 16.04.040 B 11) – **COMPLIANT**
 - b. The maximum height of any building or structure shall be forty-five (45) feet above grade – **NOT APPLICABLE. Ordinance 06-49 allows a fifty (50) foot building height (see Section 10, 6, e).**
4. Parking
 - a. Parking Space Size. 10 feet by 20 feet. **COMPLIANT**
 - b. Parallel Space Size. 10 feet by 24 feet. **NOT APPLICABLE**
 - c. Access Aisle Width (90 degree spaces). 24 feet. **COMPLIANT**
 - d. Surfacing. Concrete or asphalt required. **COMPLIANT. Heavy duty concrete.**
5. Loading – See WC 16.04.120. – **NOT APPLICABLE**
6. Lighting – See WC 16.07.010 – **Light fixtures are compliant. Staff is working with the petitioner to ensure foot-candle measurements are compliant.**



7. Development Plan

Development Plan filed for any construction, building additions, new or expanded surface parking areas, new or expanded surface loading areas, exterior building renovations or signs in the LB District shall, in addition to any Development Requirements contained elsewhere in this Ordinance, also comply with the following additional Development Requirements:

- a. Pedestrian Access and Orientation - Developers of sites in the Local Business District shall provide sidewalks or pathways along all adjoining public or private streets. Such sidewalks or pathways shall be designed so as to connect to an existing or proposed sidewalk, pathway or trail network. – **COMPLIANT**
- b. Building Fascia - All buildings and structures within a Local Business District development shall share a common architectural style. –**COMPLIANT. Similar building materials and roof pitches to the adjacent 21st Amendment building.**
- c. Vehicle Access - Each vehicle access point shall be designed in compliance with the criteria set forth in this Ordinance and the "Town of Westfield Construction Standards", administered by the Westfield Utilities Department. – **COMPLIANT**
- d. Development Pattern:
 - i. Developments may be either: (i) a freestanding individual development; or, (ii) an integrated development containing more than one (1) business in one (1) or more buildings. – **COMPLIANT**
 - ii. In order to create an integrated development that may include Out Lots, a rezone to the LB-PD shall be required. – **NOT APPLICABLE**
 - iii. In the case of an integrated development, documentary assurances shall be filed with the Plan Commission indicating that all lots or uses within the integrated development shall be provided with, at a minimum the following: (i) regular trash pick-up; (ii) snow removal; (iii) common vehicle access point(s), drive(s) and parking areas, including maintenance thereof; and, (iv) one (1) shared or common ground or pylon sign – **COMPLIANT**

Section 8: Uses

Permitted uses for Area Y shall include all uses permitted in the LB-Local Business and Neighborhood District of the Zoning Ordinance on the date of the enactment of the Restate Bridgewater PUD, as indicated by an "X" in the "Local Business" column specified on what is attached and made part of as Exhibit 10, other than those uses specified in Exhibit 10 through which a line has been drawn. Permitted uses within Area Y shall also include the following, all of which shall be permitted uses and not special exceptions, even if (i) stricken from Exhibit 10, or (ii) not shown on Exhibit 10 as a permitted use.



1. Automobile service station, including car wash, the sale of gasoline and other automotive petroleum products and retail consumer goods. – **COMPLIANT**
2. Outside storage of merchandise shall be prohibited. – **COMPLIANT. None depicted on plans. Will be monitored for ongoing compliance through code enforcement.**
3. The outside storage of more than three (3) motor vehicles, for repair, shall be prohibited. – **NOT APPLICABLE**
4. No Gas pumps shall be located between the gas station and External Streets – **COMPLIANT. 146th Street is not listed as an External Street in Ordinance 06-49, Exhibit 2 Definitions.**
5. Body work and major mechanical services are prohibited; however, routine maintenance shall be permitted. – **NOT APPLICABLE**
6. All service bays shall face interior parking – **NOT APPLICABLE**

Section 10: Development and Architectural Standards (see Exhibit 17)

1. Aggregate Maximum square footage of all buildings, regardless of use, within Area Y shall be seven hundred and one thousand (701,000), and the Maximum Parcel Coverage within Area Y shall be five hundred thirty-five thousand (535,000) square feet. – **COMPLIANT – 119,360 total square footage of all buildings within Area Y; 119,360 square feet of parcel coverage within Area Y.**
2. Open Space shall be greater than or equal to twenty percent (20%) of Area Y. – **COMPLIANT. 35% of the site is open space.**
3. Apartments, not to exceed twenty-five (25) apartment units per building or structure, in Area Y may be contained on upper levels in multi-story, mixed-use structures along with Bed and Breakfast, retail or offices. Structures in Area Y shall be architecturally compatible and cohesive, but shall also utilize multiple textures (i.e., rough, smooth, striated, etc.) or multiple architectural elements (quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves) to achieve variation in terms of footprint and architectural elevations. In a two or three story building, the second and/or third floors may contain Apartments, Bed and Breakfasts, offices, or retail uses. – **NOT APPLICABLE**
4. Restaurants shall be permitted to operate outdoor cafes on sidewalks and in courtyards, including areas in public rights-of-way not dedicated to vehicular traffic or parking; provided that pedestrian circulation and access to store entrances are not impaired. The following standards and guidelines are applicable:

- a. To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables and other encumbrances. – **NOT APPLICABLE**
 - b. Planters, posts with ropes, or other removable enclosures are encouraged and may be used as a way of defining the area occupied by the cafe. – **NOT APPLICABLE**
 - c. Fixtures such as extended awnings, canopies, or large umbrellas shall be permitted to provide shade. Fixture colors shall complement building colors. – **NOT APPLICABLE**
 - d. Outdoor cafes shall be required to provide additional outdoor trash receptacles. – **NOT APPLICABLE**
 - e. Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located. – **NOT APPLICABLE**
 - f. The operators of outdoor cafes shall be responsible for maintaining a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of their activities. – **NOT APPLICABLE**
5. Retail establishments (exclusive of a General Store and gasoline station) shall be permitted to have sidewalk displays of retail merchandise. The following standards and guidelines are applicable:
 - a. Sidewalk displays are permitted directly in front of an establishment, provided that a minimum of five (5) feet of sidewalk clearance along the curb and leading to the storefront entrance is maintained free of display, and the display area does not exceed seventy-five percent (75%) of the length of the storefront. – **NOT APPLICABLE**
 - b. Sidewalk displays shall be permitted only during normal business hours and shall be removed at the end of the business day. Cardboard boxes or pallets shall not be used for sidewalk displays. – **NOT APPLICABLE**
 - c. Sidewalk displays shall maintain a clean, litter-free, and well-kept appearance at all times. – **NOT APPLICABLE**
6. All Non-residential Uses and Mixed-Use Buildings:
 - a. Minimum lot area: two thousand (2,000) square feet. – **COMPLIANT – 50,965 square feet +/-**
 - b. Minimum lot width at building line: twenty-five (25) feet – **COMPLIANT – 193 feet +/-**
 - c. Minimum lot depth: seventy (70) feet. – **COMPLIANT – 265 feet +/-**
 - d. Yard dimensions
 - i. Set back from Internal Streets – No minimum – **COMPLIANT**
 - ii. Set back from External Streets – This provision shall supersede any requirements of the Zoning Ordinance pertaining to proximity slope. The

required set back from External Streets for All Buildings shall be based on and determined by a 1:2 proximity, slope requirement (one (1) foot of building height for every two (2) feet of building set back). In no case shall the setback be less than thirty (30) feet. The setback area shall be landscaped according to standards set forth in Section 10, Landscaping. – **NOT APPLICABLE. 146th Street is not listed as an External Street in Ordinance 06-49, Exhibit 2 Definitions.**

iii. Side yard (each side) – No minimum – **COMPLIANT**

iv. Rear yard – A minimum of twenty (20) feet unless abutting a common parking lot, in which event no rear yard is required. – **COMPLIANT**

e. Maximum building height – Fifty (50) feet – **COMPLIANT**

f. Maximum building footprint coverage – One hundred percent (100%) – **COMPLIANT. Nine (9) percent coverage.**

g. All loading, off-street parking, and drive-through facilities shall be in rear yards and side yards. Loading, parking, and drive-through facilities located in side yards shall be screened as set forth in Section 11. – **COMPLIANT**

7. The following restrictions shall apply to all owner or tenant occupied space in Area Y:

a. One (1) single tenant or owner occupied space, with any use permitted in Area Y, may be up to sixty-five thousand (65,000) square feet; – **NOT APPLICABLE**

b. One single tenant or owner of occupied space, with any use permitted in Area Y, may be permitted up to forty-five thousand (45,000) square feet in Parcel M4; – **NOT APPLICABLE**

c. One single tenant office space may be up to forty thousand (40,000) square feet; – **NOT APPLICABLE**

d. Two (2) single tenant or owner occupied spaces, with any use permitted in Area Y, may be up to twenty thousand (20,000) square feet; – **NOT APPLICABLE**

e. Four (4) single tenant or owner occupied spaces, with any use permitted in Area Y, may be up to fifteen thousand (15,000) square feet; – **NOT APPLICABLE**

f. All other single tenant spaces or owner occupied spaces, with any use permitted in Area Y, shall be less than or equal to ten thousand (10,000) square feet. – **COMPLIANT**

8. Area Y Parking Requirements

a. Parking shall be provided in Area Y both off-street and on-street. For buildings adjacent to Internal Streets with parking bays, those spaces immediately adjacent to the frontage of the building lot shall be included in the calculation for required spaces. Minimum parking spaces accessory to designated areas shall be provided as follows: Retail. Three and one half (3.5) parking spaces for each one thousand square feet of floor area, provided however that in no case shall any individual tenant or owner provide less than

five (5) parking spaces). – **COMPLIANT. Sixteen (16) spaces provided, Sixteen (16) required.**

- b. M-4 Parking. Parking shall be permitted to exist in the front of the buildings located within the areas identified as Lots 1, 2, 3, and 4, within Parcel M-4. – **COMPLIANT**
- c. Section M-4, Lot 2 and Lot 3. Within the Developer’s discretion, what is identified on the Concept Plan as Lot 2 and Lot 3 in Parcel M-4 may be developed as one single lot. – **NOT APPLICABLE. This lot falls within Lot 1 and Lot 2 in Parcel M-4.**

Exhibit 17. General Architectural Standards – Area Y

1. Neo-traditional architectural style – **COMPLIANT**
2. Building Facades - Buildings along an External Street shall have two (2) front facades, one of which is faux. Access to the building provided along the internal parking areas. Elevation facing External Street (faux façade) with similar architectural features as access side of the building. Examples of architectural treatments for the External Street side of the building include: windows, doors, pilasters, pediments, rails, and balustrades, cross gables, dormers, cupolas, awnings, water tables, quoins, and dentals. Design elements and detailing shall be contained completely around the structure. – **NOT APPLICABLE. 146th Street is not listed as an External Street in Ordinance 06-49, Exhibit 2 Definitions.**
3. Open Space - A series of Open Spaces will be incorporated in the Village Marketplace to allow for seating, passive recreation, events, outdoor dining, and visual aesthetics. The primary open space will be a village park, with lawn areas, landscaping, and benches. As the focal point to the Village Marketplace, the village park will be a place where people can gather, relax, picnic, or play. Other Open Space opportunities within the Village Marketplace may include plazas, courtyards, and gardens. Together these open spaces will provide a pleasant pedestrian experience for shoppers, office workers, and residents – **NOT APPLICABLE. Development is within Bridgewater Center, not Bridgewater Marketplace.**
4. Pedestrian Circulation - The Village Marketplace has been planned to encourage pedestrian circulation. Parking areas will be located behind and between the buildings to allow for storefronts along sidewalks. The sidewalks themselves will be generously dimensioned to allow for shoppers, strollers, sidewalk displays, and outdoor dining. Open spaces will be incorporated to provide a sequence of respite sites for pedestrians. And most importantly, the sidewalk system will be continuous, accessible, and will connect into the larger Greenway Trail system, allowing numerous opportunities for pedestrian circulation. – **NOT APPLICABLE. Development is within Bridgewater Center, not Bridgewater Marketplace.**



5. Parcel M-4 – The following applies to all buildings having rear elevations which are parallel and adjacent to the eastern boundary of Parcel M-4.
 - a. The maximum building height of such building shall be one (1) story. – **NOT APPLICABLE to this outlet.**
 - b. The maximum vertical distance from grade to the eave of the rear elevation of such building shall not exceed 25 feet. – **NOT APPLICABLE to this outlet.**
 - c. All roof mounted HVAC equipment must be screened from view. - **NOT APPLICABLE to this outlet.**
 - d. Drive-throughs and parking within the rear yard of such buildings shall be prohibited. – **NOT APPLICABLE to this outlet.**
 - e. All trash dumpsters shall have a brick exterior and a roof, and shall be either connected to the primary building or located between buildings. - **NOT APPLICABLE to this outlet.**

Section 11. Landscaping (see Exhibit 18)

1. For Parcels along Internal Streets, there shall be a five (5) foot buffer yard required between (i) adjoining residential and non-residential districts and (ii) adjoining residential districts provided, however, that there shall be no buffer yard required for parcels separated by street or rights-of-way. – **COMPLIANT**
2. Perimeter yards along External Streets shall be landscaped. – **NOT APPLICABLE. 146th Street is not listed as an External Street in Ordinance 06-49, Exhibit 2 Definitions.**
3. Area Y Perimeter yards along External Streets shall be landscaped with shade trees, ornamental trees and shrubs. – **NOT APPLICABLE. 146th Street is not listed as an External Street in Ordinance 06-49, Exhibit 2 Definitions.**
4. There shall be a landscape buffer along the eastern edge of Parcel M-4, which shall be forty (40) feet in width, and shall include (i) a berm which is a minimum of seven (7) feet in height, and (ii) two parallel rows in which pine trees, which are a minimum of eight (8) feet in height at planting, are planted twelve (12) feet on center in a staggered pattern. – **NOT APPLICABLE. Superseded by Ordinance 13-06 (see below).**

Exhibit 18 Landscaping

1. Trash and Loading Facilities – **COMPLIANT. Opaque wall.**
2. Heating and cooling facilities. – **COMPLIANT**
3. Softening of walls and fences. – **COMPLIANT**
4. On-Site (Business) (1.17 ac)
 - a. 10 shade trees per acre = 12 trees required – **COMPLIANT. Twelve (12) shade trees provided.**



- b. 10 ornamental/evergreen trees per acre = 12 trees required – **COMPLIANT. Twelve (12) ornamental trees provided.**
 - c. 25 shrubs per acre = 30 shrubs required – **COMPLIANT. Thirty (30) shrubs provided.**
- 5. Road Frontage
 - a. 146th Street (193') – 1 shade tree per 40 feet of road frontage = 5 shade trees required – **COMPLIANT. Five (5) shade trees provided.**
 - b. Shade trees required to be planted along road frontage shall be located outside drainage and utility easement, shall be located in a manner that mitigates interference with infrastructure located within such easement and may be clustered or grouped in order to attain creative site design. – **COMPLIANT.**
- 6. Buffer Yards
 - a. Buffer sizes shall be determined by adjacent zoning districts and/or land uses in accordance with Table 16.06.060-01. If adjacent properties possess a mix of land uses, then the highest intensity use shall determine the required buffer yard size.
 - i. North property line: Commercial/Commercial – No requirement. – **NOT APPLICABLE**
 - ii. East property line: Commercial/Commercial – **NOT APPLICABLE**
 - iii. South property line: Commercial/Residential
 - 1. Forty (40) feet required. – **COMPLIANT**
 - 2. Evergreen trees (193') – 1 evergreen tree per 30 feet = 7 evergreen trees required – **COMPLIANT. Seven (7) evergreen trees provided**
Evergreen shrubs (193') – 5 evergreen shrubs per 30 feet = 33 evergreen shrubs required – **COMPLIANT. Thirty-seven (37) evergreen shrubs provided**
 - iv. West property line: Commercial/Commercial – No requirement. – **NOT APPLICABLE**
- 7. Interior Parking Lot Landscaping
 - a. Interior Parking Lot Area. - 16 spaces. 5% of 3,200 square feet required = **160 square feet required – COMPLIANT. 230 square feet provided.**
 - b. Minimum Island Size – 6 inches tall; 7 feet wide; 120 square feet – **COMPLIANT**
 - c. Curbed islands – **COMPLIANT**
 - d. Unbroken rows of parking can be a maximum of 200 feet – **COMPLIANT**
 - e. Minimum Planting Requirement -- 1 tree and 4 shrubs per island – **COMPLIANT**
- 8. Perimeter Parking Lot Landscaping – Parking is located within a required yard.
 - a. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped in an aesthetically pleasing manner. – **COMPLIANT**



- b. There shall be one (1) tree per thirty (30) feet linear feet of parking lot length. Trees may be clustered. – South parallel parking spaces (140') = Five (5) trees required – **COMPLIANT. Five (5) trees provided.**
- c. There shall be one (1) shrub per three (3) feet of parking lot length. Shrubs may be clustered. – South parallel parking spaces (140') = Forty-seven (47) shrubs required – **COMPLIANT. Forty-seven (47) shrubs provided.**

Bridgewater PUD Amendment (Ord. 13-06)

There shall be a landscape buffer along the eastern boundary line of the Real Estate, said landscape buffer shall be thirty (30) feet in width (the "Landscape Buffer") and which shall include the following, all of which are generally depicted in the Landscape Buffer illustrations attached to Ordinance 13-06.

- 1. Masonry Wall Standards.
 - a. Masonry wall shall be located twenty-five (25) feet west from eastern boundary of Real Estate. – **NOT APPLICABLE to this outlot.**
 - b. Masonry wall shall be extended south, approximately five hundred and eighty (580) feet from the north boundary line of Real Estate to the front building setback line along and applicable to 146th Street. – **NOT APPLICABLE to this outlot.**
 - c. The height of the masonry wall excluding caps and columns shall be a minimum of nine (9) feet when measured at grade. - **NOT APPLICABLE to this outlot.**
 - d. The top of the masonry wall excluding caps and columns shall be a minimum of ten (10) feet , six (6) inches when measured from grade. - **NOT APPLICABLE to this outlot.**
 - e. The masonry wall shall include columns that are a minimum of two (2) feet by two (2) feet and ten (10) feet in height. A column shall be located at each end of the masonry wall and each subsequent column shall have a maximum spacing of twenty-four (23) feet. – **NOT APPLICABLE to this outlot.**
- 2. Landscaping Standards and Tree Preservation within Landscape Buffer.
 - a. Landscaping shall consist of 50 Norway Spruce Trees, which shall be a minimum of eight (8) feet in height. – **NOT APPLICABLE to this outlot.**
 - b. The underbrush along the eastern boundary line of Real Estate shall be cleared. – **NOT APPLICABLE to this outlot.**
 - c. Tree preservation. – **NOT APPLICABLE to this outlot.**



Bridgewater Commitments – 2006

1. Within the area identified on the Concept Plan as Parcel M-4 ("Parcel M-4"), deliveries and trash pick-up shall not occur before 8:00 AM or after 8:00 PM. – **Will be monitored for ongoing compliance through code enforcement.**
2. Within Parcel M-4, outdoor music shall be prohibited after 11:00 PM. – **Will be monitored for ongoing compliance through code enforcement.**
3. The Developer, or the Association established by the Developer in connection with Parcel M-4, shall be responsible for the maintenance of any landscaping installed by the Developer within the forty (40) foot wide buffer along the eastern boundary of Parcel M-4. – **NOT APPLICABLE to this outlet.**
4. The Developer, or the Association established by the Developer in connection with Parcel M-4, shall be responsible for the maintenance of any landscaping installed by the Developer within the twenty (20) foot wide buffer along the eastern boundary of Parcel K-3. – **NOT APPLICABLE to this outlet.**
5. As stated in Section 8(B) the PUD, one (1) automobile service station, including car wash, the sale of gasoline, other automotive petroleum products, and retail consumer goods, is permitted anywhere within Area Y, as defined by the PUD. If said automobile service station is located within Parcel M-4, then it must be located within the area identified on the Concept Plan as Lot 1, Lot 2, Lot 3, and/or Lot 4 in Parcel M-4 and, further, it must satisfy the following requirements: -- **COMPLIANT. Single automobile service station within all of Area Y. Located on Lot 1 and Lot 2 of Parcel M-4.**
 - a. Said automobile service stations shall be residential in appearance, with a sloped roof and brick exteriors, as illustrated by the Drawing; -- **COMPLIANT**
 - b. The canopy or roof above the gas pumps shall be of the same materials as the shingled roof above the primary service station building, as illustrated by the Drawing; -- **COMPLIANT.**
 - c. All gas pumps shall be located away from perimeter or external streets, as illustrated by the Drawing; -- **COMPLIANT**
 - d. The perimeter boundaries of parcel containing said automobile service station shall be heavily buffered and landscaped in the manner illustrated on the Drawing – **COMPLIANT**
 - e. Said automobile service station shall be open and operating only between the hours of 6:00 AM and twelve midnight. – **Will be monitored for ongoing compliance through code enforcement.**
6. On the date of these Commitments, a fence and tree row existed on the boundary line between Parcel M-4 and Parcel K-3 (the "Tree Row"). Prior to the commencement of any construction within Parcel K-3 or Parcel M-4, the fence will be removed from the Tree Row, healthy trees within the Tree Row shall be preserved, but underbrush and scrub shall be removed from the Tree Row. – **NOT APPLICABLE to this outlet.**
7. Within the residential subdivision located to the east of Parcel M-4, commonly known as Brentwood Village, there are eleven (11) residences which back up and are parallel to the eastern boundary of Parcel M-4 (the "Eleven Residences"). The Developer shall provide each owner of each of the Eleven



Residences with a list of at least six (6) species of trees, comprising a combination of spruce trees and deciduous trees, from which to select. Within fifteen (15) days after receipt of such list, each such owner shall both select a total of five (5) trees from the species of trees specified on the list and shall communicate such selection in writing to the Developer. Before any building permits are issued with respect to any building in Parcel M-4, the Developer shall deliver to each of the Eleven Residences the five (5) trees selected by the owners of each of the Eleven Residences. The deciduous trees delivered by Developer shall have a minimum caliper of three (3) inches at planting, and the spruce trees delivered by Developer shall be a minimum of six (6) feet in height at planting. In the event that any such owner fails to timely deliver to Developer written notice of such owner's selection of five (5) trees, the Developer may fulfill and discharge the commitment specified in this Section 4 (G) by selecting and delivering five (5) trees to such owner's residence. – **NOT APPLICABLE to this outlot.**

8. Prior to the issuance of any building permits for any building within Parcel D-4, G-7, K-3 or M-4, the Developer shall contribute the sum of ten thousand dollars (\$10,000) to the Brentwood Village Property Owners Association, Inc. – **NOT APPLICABLE to this outlot.**

WESTFIELD DEVELOPMENT REQUIREMENTS

Development Plan Review (WC 16.04.165, D)

1. Zoning District Standards – **See “BRIDGEWATER PUD DEVELOPMENT REQUIREMENTS”**
2. Overlay District Standards – **The property does not fall within an overlay district.**
3. Subdivision Control Ordinance – **NOT APPLICABLE to this outlot. Property has already been secondary platted.**
4. Development Plan Review (WC 16.04.165)
 - a. Site Access and Site Circulation:
 - (1) All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference; -- **COMPLIANT**
 - (2) All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development; – **COMPLIANT**
 - (3) Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of



both vehicular and pedestrian traffic in and around the subdivision. Subdivisions shall be provided with internal sidewalks or pathways along all internal streets as well as sidewalks or pathways along perimeter streets. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network. – **COMPLIANT**

- b. Landscaping – See WC 16.06 et seq. – See **“BRIDGEWATER PUD DEVELOPMENT REQUIREMENTS, Ordinance 06-49, Section 11 and Exhibit 18 and Ordinance 13-06 Amendment to the Bridgewater PUD.”**
- c. Lighting – See WC 16.07 et seq. – **Light fixtures are compliant. Staff is working with the petitioner to ensure foot-candle measurements are compliant.**
- d. Signs – See WC 16.08 et seq. – **Not Applicable.**
- e. Building Orientation. – See **“BRIDGEWATER PUD DEVELOPMENT REQUIREMENTS, Ordinance 06-49, Section 10 and Exhibit 17.”**
- f. Building Materials. – See **“BRIDGEWATER PUD DEVELOPMENT REQUIREMENTS, Ordinance 06-49, Section 10 and Exhibit 17.”**

5. Comprehensive Plan Compliance – The Future Land Use Concept Map in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the Property as “Suburban Residential”. Commercial uses were anticipated for this corner with the adoption of Ordinance 06-49, prior to the adoption of the Comprehensive plan in 2007. Comprehensive Plan policies for this area state that infill development should be compatible in mass, scale, density, materials and architectural style; and, should not alter the character of the area. Elevations of the proposed building are necessary to determine compliance with the Comprehensive Plan.

6. Street and Highway Access – **COMPLIANT**

7. Street and Highway Capacity - **COMPLIANT**

8. Utility Capacity - **COMPLIANT**

9. Traffic Circulation Compatibility - **COMPLIANT**



WESTFIELD-WASHINGTON
ADVISORY PLAN COMMISSION

March 18, 2014
1403-DP-05 & 1403-SIT-03
Exhibit 1

Staff Comments:

With the exception of the foot-candle measurements at the east property line, the submitted plans are compliant with the applicable PUD ordinances, zoning ordinances, and zoning commitments. Approve 1403-DP-05 and 1403-SIT-03 with the following conditions:

1. That final approval of the photometric plan be delegated to staff; and,
2. That all necessary approvals and permits be obtained from the Westfield Public Works Department and the Hamilton County Surveyors Office prior to the issuance of a building permit.

If any APC member has questions prior to the APC meeting, then please contact Kevin Todd at 317.379.6467 or ktodd@westfield.in.gov.